

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

ARNOLD & COMPANY, LLC and	§	5:13–CV–146–DAE
CRAIG ARNOLD, individually,	§	Lead Case
	§	
Plaintiffs,	§	
	§	5:13–CV–149–DAE
vs.	§	Member Case
	§	
DAVID K. YOUNG CONSULTING,	§	
LLC,	§	
	§	
Defendant.	§	

ORDER DISMISSING CLAIMS THAT WILL NOT BE  
LITIGATED AT TRIAL

On February 11, 2016, this Court held a Pre-trial Conference regarding the pending trial in the above-mentioned case. The conference was attended by Kyle Watson, Esq. on behalf of Plaintiffs Arnold & Company, LLC and Craig Arnold, individually (“A&C” and “Arnold,” collectively, “Plaintiffs”). Bill Ford, Esq. appeared on behalf of Defendant David K. Young Consulting, LLC (“DKYC” or “Defendant”).

Counsel for all parties conveyed during the pre-trial conference that they wish to streamline the causes of actions presented to the jury, and do not plan to litigate each cause of action currently claimed in Plaintiffs’ Second Amended Complaint (Dkt. # 61) and DKYC’s Amended Complaint (Dkt. # 52).

At trial, Plaintiffs intend to litigate the following causes of action against DKYC: (1) the claim for recovery of the unpaid principal balance on the Promissory Note, as well as the claim for accrued and unpaid interest on the Note (Dkt. # 61 ¶ 21); (2) the claim for DKYC's alleged breach of Arnold's Employment Contract (id. ¶ 22); and (3) the claim for conversion and recovery of Arnold's personal property following the termination of his employment with DKYC (id. ¶ 23).

At trial, DKYC intends to litigate the following causes of action against Arnold: (1) the breach of contract claims for Arnold's alleged breach of the Employment and Non-Competition Agreements he had entered into with DKYC (Dkt. # 52 ¶¶ 20–21); (2) the promissory estoppel claim to remedy the damages DKYC allegedly suffered after relying upon Arnold's promises to DKYC (Dkt. # 52 ¶¶ 22–23).

All remaining claims asserted in Plaintiffs' Second Amended Complaint (Dkt. # 61) and Defendant's Amended Complaint (Dkt. # 52) are hereby **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

**DATED:** February 11, 2016, San Antonio, Texas.

A handwritten signature in black ink, appearing to read 'DAVID ALAN EZRA', is written over a horizontal line.

David Alan Ezra  
Senior United States District Judge